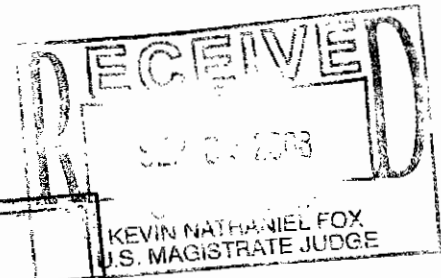
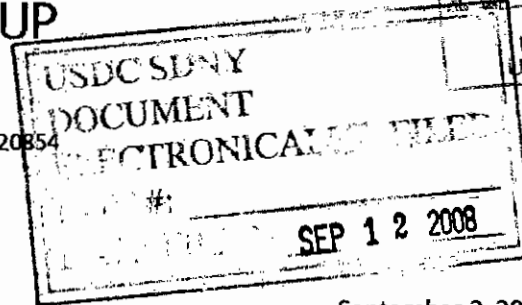


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September 2, 2008

Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 755  
New York, NY 10007

## MEMORANDUM ENDORSED

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

By Fax (212) 805-0426

Re: *Capitol Records, Inc. v. City Hall Records, Inc. et al.*, 07-cv-6488 (LTS)(KNF)

Dear Judge Swain;

I am writing on behalf of Plaintiff in the above referenced case in response to Defendants' request to the Court on August 29, 2008 to extend the time for Third-Party Defendant, Proper Music Distribution, Ltd. ("Proper") to file an answer or otherwise respond to the Complaint to September 22, 2008.

Plaintiff has no objection to the provision of an extension of time for Proper to respond to the Third-Party Complaint and Plaintiff would ask that the Court in conjunction with providing that extension of time that it simultaneously extend the current discovery deadline which is currently set for October 31, 2008. Plaintiff would ask that the deadline be extended to January 31, 2009. This extension of time will allow Proper, and the other 16 third party defendants who have been sued by Defendants, to enter an appearance and participate in the discovery process. In the absence of such an extension, Proper, and potentially other third party defendants, will be joining the case when there is less than 45 days before discovery closes.

The discovery deadline in this case has not previously been extended. We note in the interest of full disclosure that Plaintiff recently asked Magistrate Judge Fox to extend to the discovery deadline. That request was made in conjunction with a request by Plaintiff to have Defendants defer a Rule 30(b)(6) deposition until such time as the Plaintiff could prepare a witness on the noticed topics (including the chain of title on thousands of sound recordings). Magistrate Judge Fox denied both the request to defer the deposition and to extend the discovery deadline. Plaintiff now seeks to have the Court extend the deadline in light of the current request by Defendant to extend the time of third-party defendant to answer or move to less than 40 days from the close of discovery.

Respectfully Submitted,

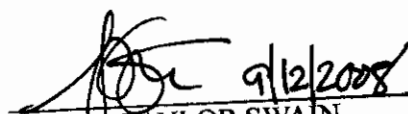
/s/

Matthew J. Oppenheim

Cc: Jura Zibas, Esq. (counsel for Defendants)

The foregoing request is construed as an objection pursuant to F.R.C.P. 72(a) to Magistrate Judge Fox's decision denying an extension of the discovery deadline. As that decision was neither clearly erroneous nor contrary to law, the objection is overruled and Judge Fox's decision stands. The case remains referred to Judge Fox for general pretrial management. Accordingly, any renewed request for extension in light of the extension of the time to answer should be directed to Judge Fox.

SO ORDERED.

 9/12/2008  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE